

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1657 of 2018

In
Civil Writ Jurisdiction Case No.10019 of 2018

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1. The State Of Bihar through the Principal Secretary, Shram Sansadhan Vibhag, Government of Bihar, Patna
 2. The Director, Employment and Training, Government of Bihar, Patna.
 3. The Directorate, Employment and Training Shram Sansadhan Bibhag, Government of Bihar, Patna.
 4. The Joint Director, Employment and Training, Government of Bihar, Patna.
 5. The Assistant Director, Training, Government of Bihar, Patna.
 6. The Assistant Director, Technical Education, Government of Bihar, Patna.

... .. Appellant/s

Versus

1. I. T. I. Atithi Anudeshak Sangh, Bihar, Patna, through its President, namely, Sikandar Prasad
2. Vikash Saurabh, S/o Tribedi Ranjit Kumar, I.T.I. Sitamarhi, Dumra Court, Sitamarhi, Joint Secretary, I.T.I. Atithi Anudeshak Sangh, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rohitabh Das, AC to AAG 10
For the Respondent/s	:	Mr. P. K. Shahi, Sr. Adv. Mr. Rajeev Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

6 02-12-2019

I.A. No. 8776 of 2018

I. A. No. 8776 of 2018 has been filed by the appellants, under Section 5 of the Limitation Act, seeking condonation of delay of 71 days in preferring the present Letters Patent Appeal against the judgment and order, dated 13.08.2018, passed by the learned Single Judge in C.W.J.C. No. 10019 of



2018.

Heard Mr. Rohitabh Das, learned AC to A.A.G. 10 and Mr. P. K. Shahi, learned Senior Counsel appearing on behalf of the respondents.

Having considered the reasons assigned in the present petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the appellants were prevented by sufficient causes from preferring the appeal within time.

In view of the above, the delay of 71 days, in preferring the Letters Patent Appeal, is hereby condoned.

I.A. No. 8776 of 2018 stands disposed of.

L. P. A. No. 1657 of 2018

This appeal has been filed by the appellants challenging the order, dated 13.08.2018, passed by the learned Single Judge in C.W.J.C. No. 10019 of 2018, whereby the cancellation of selection of respondent no. 2 herein was set aside and the learned Single Judge has directed to treat the respondent no. 2 as contract or guest employee and has also directed the department to give him 50 per cent of the back wages as he was illegally deprived by the Department to impart duty.



Learned Counsel for the appellants submits that the whole order has been passed on the presumption that there were two advertisements; whereas there was only one advertisement, being Advertisement No. 5686 of 2016-17, as contained in Annexure-2 to the writ application. Moreover, the said Advertisement No. 5686 of 2016-17 was rightly recorded in the judgment, dated 13.08.2018, but, at the instance of learned Counsel for the writ petitioners, the said judgment, dated 13.08.2018, was modified, by order, dated 25.08.2018, to the extent that the said Advertisement No. 5686 of 2016-17 be read as Advertisement No. 2344 of 2016; whereas there was no such advertisement on record.

It is the specific case of the appellants that there has been no advertisement in the year 2017; whereas Mr. Shahi submits that there were two advertisements, one in the year 2016 and another in the year 2017, but the advertisement of 2017 was never brought on record by the either parties during the hearing of the writ petition. Moreover, Mr. Shahi does not dispute this fact that the number of the advertisement published in the year 2017 was 5686 of 2016-17 and it appears that inadvertently, the said advertisement number was directed to be read as Advertisement No. 2344 of 2016, in place of



Advertisement No. 5686 of 2016-17.

In the background of the fact mentioned above, learned Counsel for the appellants seeks permission to withdraw this appeal in order to prefer a review application.

Accordingly, this appeal is disposed of as withdrawn with the liberty aforesaid.

(Dinesh Kumar Singh, J.)

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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